

BEFORE THE DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Petition for )  
Reinstatement of the Revoked Certificate )  
of: )

THEODORE J. SABOT, M.D.  
Certificate No. G 8825

Petitioner. )

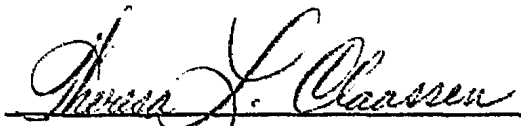
OAH No. N 42245

DECISION

The attached Proposed Decision of the Third District and Eighth District Medical Quality Review Committees is hereby adopted by the Medical Board of California as its Decision in the above-entitled matter.

This Decision shall become effective on April 19, 1993.

IT IS SO ORDERED March 19, 1993.



THERESA CLAASSEN, Secretary-Treasurer

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PROPOSED DECISION

This matter was heard on January 21, 1993, at San Francisco, California, by a hearing panel consisting of Third District Medical Quality Review Committee members John Bodle, M.D., Thomas Ledwich, M.D., and Helen Rodde, R.N.; and Eighth District Medical Quality Review Committee members Gail Campbell, Eluid Garcia, M.D., Gerlie Papillion, M.D., and Steven Smith. Mr. Smith chaired the hearing panel, and Jerry Mitchell, Administrative Law Judge of the Office of Administrative Hearings, presided.

The Attorney General of the State of California was represented by David Lew, Deputy Attorney General. The petitioner was present and represented himself.

FINDINGS OF FACT

I

On July 26, 1963, petitioner Theodore J. Sabot, M.D., was issued physician and surgeon certificate G 8825. The certificate was revoked, effective September 10, 1986, for making false claims to Medi-Cal. The petition herein, dated July 3, 1992, is for reinstatement of the revoked certificate.

II

Petitioner acknowledges wrongdoing; characterizes his misconduct as self-destructive behavior; and attributes it to his wife's drug use, parental deaths, and his own immaturity and anger. He asserts that he has overcome these factors. He served 2-1/2

years of a 5-year prison sentence, and received psychiatric treatment while incarcerated. He is currently employed as a staff psychiatrist at the Capital District Psychiatric Center in New York, and also teaches medical students and psychiatric residents. He wants to be able to practice in California because his children were born here and want to return. On December 14, 1992, he was informed by American Board of Psychiatry and Neurology that he had passed his examinations for certification in the specialty of psychiatry. He states that he has no desire to return to private practice and intends to continue to practice in the public sector.

### III

Petitioner is sufficiently rehabilitated that probationary reinstatement of his certificate on appropriate conditions would not be against the public interest.

### DETERMINATION OF ISSUES

By reason of Finding III, cause exists to reinstate petitioner's certificate as set forth in the following order.

### ORDER

Physician and surgeon certificate G 8825 is reinstated and petitioner Theodore J. Sabot, M.D., is placed on probation for five (5) years on the following terms and conditions:

1. Petitioner shall maintain a record of all controlled substances prescribed, dispensed or administered by petitioner during probation, showing all the following: a) the name and address of the patient, b) the date, c) the character and quantity of controlled substances involved, and 4) the indications and diagnosis for which the controlled substance was furnished.

Petitioner shall keep these records in a separate file or ledger, in chronological order, and shall make them available for inspection and copying by the Division of Medical Quality or its designee, upon request.

2. Within sixty (60) days of the effective date of this decision, petitioner shall submit to the Division for its prior approval a community service program in which petitioner shall provide free medical services on a regular basis to a community or charitable

facility or agency for at least eight (8) hours a month during the duration of petitioner's probation.

3. Within sixty (60) days of the effective date of this decision, petitioner shall submit to the Division for its prior approval a course in Ethics, which petitioner shall successfully complete during the first year of probation.
4. Within sixty (60) days of the effective date of this decision, petitioner shall take and pass an oral or written examination in psychiatry, to be administered by the Division or its designee. If petitioner fails this examination, petitioner must take and pass a re-examination consisting of a written as well as an oral examination. The waiting period between repeat examinations shall be a three (3) month intervals until success is achieved. The Division shall pay the cost of the first examination and petitioner shall pay the cost of any subsequent re-examinations.

Petitioner shall not practice medicine until petitioner has passed the required examination and has been so notified by the Division in writing. Failure to pass the required examination no latter than one hundred (100) days prior to the termination date of probation shall constitute a violation of probation.


5. Within thirty (30) days of the effective date of this decision, petitioner shall submit to the Division for its prior approval a plan of practice in which petitioner's practice shall be monitored by another physician in petitioner's field of practice, who shall provide periodic reports to the Division.

If the monitor resigns or is no longer available, petitioner shall, within fifteen (15) days, move to have a new monitor appointed, through nomination by petitioner and approval by the Division.

6. Petitioner shall not be self-employed, either directly or indirectly.

7. Petitioner shall obey all federal, state and local laws, and all rules governing the practice of medicine in California.
8. Petitioner shall submit quarterly declarations under penalty of perjury on forms provided by the Division, stating whether there has been compliance with all the conditions of probation.
9. Petitioner shall comply with the Division's probation surveillance program.
10. Petitioner shall appear in person for interviews with the Division's medical consultant upon request at various intervals and with reasonable notice.
11. The period of probation shall not run during the time petitioner is residing or practicing outside the jurisdiction of California. If, during probation, petitioner moves out of the jurisdiction of California to reside or practice elsewhere, petitioner is required to immediately notify the Division in writing of the date of departure, and the date of return, if any.
12. Upon successful completion of probation, petitioner's certificate will be fully restored.
13. If petitioner violates probation in any respect, the Division, after giving petitioner notice and the opportunity to be heard, may revoke probation. If an accusation or petition to revoke probation is filed against petitioner during probation, the Division shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

DATED: FEB. 6, 1993

  
STEVEN SMITH  
Panel Chairperson